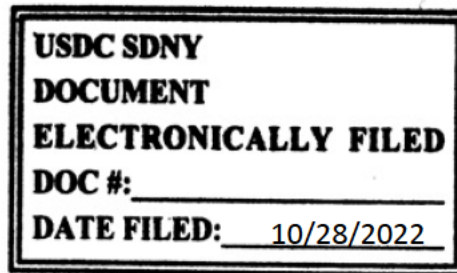




Littler Mendelson, P.C.  
900 Third Avenue  
New York, NY 10022.3298



Eli Z. Freedberg  
212.583.2685 direct  
212.583.9600 main  
212.954.5011 fax  
efreedberg@littler.com

October 14, 2022

**VIA ECF**

Hon. Judge Stewart D. Aaron  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Room 1970  
New York, NY 10007

Request GRANTED. SO ORDERED.

Dated: October 28, 2022

**Re: Carlos Alvarez Chicas et al. v. Kelco Construction, Inc. et al.**  
**Case No.: 1:21-cv-09014 (PAE) (SDA)**

Dear Judge Aaron:

We represent Defendants Kelco Construction, Inc., E.L.M. General Construction Corp., John Kelly, and Joseph Provenzano ("Defendants") in the above-referenced matter. We write jointly with Plaintiffs' counsel to follow up on the Court's October 8, 2022 Order (ECF No. 52). We have been in contact with Mediator Scheinman's office and they are available to conduct the mediation on December 6, 2022, a date that works with both parties. However, before finalizing the engagement with Mediator Scheinman, the parties wanted to confirm whether the court has any objection to proceeding with the mediation after November 30, 2022, because in the October 8<sup>th</sup> Order, the Court stated that if, "case is not resolved by 11/30/2022, the parties shall file on 11/30/2022 a proposed schedule for the completion of discovery, as well as a proposed schedule for Plaintiffs' conditional certification motion."

If it is the Court's preference, the parties would gladly submit a case management plan and briefing schedule on or before November 30, 2022, or if the Court is willing to grant the parties a brief delay to December 7, 2022, the parties will wait the additional week to update the Court. We are happy to proceed however the Court deems best but we do believe that retaining Mediator Scheinman presents the best opportunity to resolve this complicated action.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/ Eli Freedberg  
Eli Freedberg